

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CR-70-1BR
No. 5:21-CV-103-BR

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|---------------------------|---|-------|
| CALVIN BRUCE BEARD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on petitioner's 28 U.S.C. § 2255 motion. (DE # 181.)

In 2018, petitioner pled guilty to conspiracy to possess with the intent to distribute a quantity of cocaine and a quantity of cocaine base and to possession of a firearm in furtherance of a drug trafficking crime. The court sentenced him to a total term of 262 months imprisonment. Petitioner did not appeal.

In 2021, he filed the instant motion. With leave of court, he was allowed to file a supplemental brief in support of his motion. (8/24/21 Order, DE # 198.) The government responded to the § 2255 motion with a motion to dismiss. (DE # 193.) The court notified petitioner that he had until 26 September 2021 to file any material in opposition to the motion to dismiss and warned him that if he failed to respond, the court may grant that motion and dismiss this proceeding. (8/24/21 Order, DE # 198.) On 5 November 2021, petitioner filed a document captioned as a "notice of withdraw 2255 [sic] motion," stating he is withdrawing his § 2255 motion because he is unable to get his legal paperwork from his institution. (DE # 200.)

Based on this letter, petitioner's § 2255 motion is deemed WITHDRAWN, and the government's motion to dismiss is DENIED as moot. The Clerk is DIRECTED to close this case.

This 18 February 2022.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge